



General Assembly

January Session, 2009

Raised Bill No. 1046

LCO No. 3735

03735_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING RESTRICTED ACCESS TO PRESCRIPTION
DRUG INFORMATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Commercial purpose" includes, but is not limited to,
4 advertising, marketing, promotion or any activity that could be used
5 to: (A) Influence sales or the market share of a pharmaceutical product,
6 (B) influence or evaluate the prescribing behavior of an individual
7 health care provider, or (C) evaluate the effectiveness of a professional
8 pharmaceutical detailing sales force;

9 (2) "Health insurer" means any entity, including a managed care
10 organization, that delivers, issues for delivery, renews or amends an
11 individual or group health plan in this state;

12 (3) "Managed care organization" means an insurer, health care
13 center, hospital, medical service corporation or other organization
14 delivering, issuing for delivery, renewing or amending any individual

15 or group health managed care plan in this state;

16 (4) "Pharmacy" means a place of business where drugs and devices
17 may be sold at retail and for which a pharmacy license has been issued
18 to an applicant under the provisions of section 20-594 of the general
19 statutes, and includes a nonresident pharmacy, as defined in section
20 20-627 of the general statutes; and

21 (5) "Pharmacy benefits manager" or "manager" means any person
22 that administers the prescription drug, prescription device, pharmacist
23 services, or prescription drug and device and pharmacist services
24 portion of a health benefit plan on behalf of plan sponsors such as self-
25 insured employers, insurance companies, labor unions and health care
26 centers.

27 (b) No pharmacy benefits manager, pharmacy, health insurer or any
28 employee or agent of such manager, pharmacy or insurer may transfer,
29 sell or share, for any commercial purpose, prescription information if
30 such information contains individually identifiable information
31 regarding the patient or the prescribing practitioner.

32 (c) Nothing in subsection (b) of this section shall prohibit:

33 (1) The dispensing of prescription medications to a patient or to the
34 patient's authorized representative;

35 (2) The transmission of prescription information between an
36 authorized prescribing practitioner and a licensed pharmacy;

37 (3) The transfer of prescription information between licensed
38 pharmacies;

39 (4) The transfer of prescription records that may occur as part of: (A)
40 A consummated sale of a pharmacy to another person; (B) a
41 consummated merger by the pharmacy with another person or entity;
42 or (C) a transfer to a successor in interest;

43 (5) The transfer of information to a patient concerning: (A) The
44 patient's health condition; (B) adherence to a prescribed course of
45 therapy; (C) the drug being dispensed; (D) treatment options; or (E)
46 clinical trials;

47 (6) The collection, use, transfer, or sale of patient and prescribing
48 practitioner nonidentifiable individual data on the basis of zip code,
49 geographic region or medical specialty for commercial purposes;

50 (7) The transfer or sharing of prescription information for the
51 purposes of obtaining health insurer reimbursement, formulary
52 compliance, care management, utilization review by a health care
53 provider or the patient's insurance provider or agent, health care
54 research, or as otherwise provided by law, provided any person
55 receiving such information pursuant to this subdivision shall not
56 disclose such information except as authorized under this section; and

57 (8) The collection, use, transfer or sale of prescription records to a
58 third party solely for the purpose of facilitating notice to patients or
59 health care providers of a pharmaceutical recall or warning issued by
60 the federal Food and Drug Administration; or for the purpose of
61 assisting a prescribing practitioner with provider identified
62 information only regarding such practitioner's prescribing history and
63 nonidentifiable information regarding other practitioners' prescribing
64 history.

65 (d) A violation of this section shall be deemed an unfair or deceptive
66 act or practice under subsection (a) of section 42-110b of the general
67 statutes.

68 (e) A violation of this section by a health insurer shall be deemed an
69 unfair insurance practice under chapter 704 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

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Statement of Purpose:

To prevent data mining by prohibiting disclosure of individually identifiable prescription drug information concerning a patient or the prescribing practitioner.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]